

### REMARKS

Claims 1-3, 7-22, 24-28, 30, 33-35, 38, 57, 58, and 63-74 were pending in the application. Claims 22, 24-28, 57, 58, and 67-70 are allowed, and claims 2, 3, 8, 11, 15-18, 34, 35, 63-66, 71, and 72 have been objected to as depending from a rejected claim. Claims 1, 7, 9, 10, 12-14, 19-21, 30, 33, 38, 73, and 74 stand rejected.

In this response, Applicant cancels claims 73 and 74 and amends claims 1-3, 8, 11, 15-17, 30, 33, and 38. Claims 2, 8, 11, 16, and 17 are rewritten as independent claims, claims 3 and 15 are amended to depend from claims 2 and 8, respectively, and claims 30, 33, and 38 are rewritten to accommodate the independent form of claims 2, 8, 11, 16, and 17. No new claims have been added. Accordingly, claims 1-3, 7-21, 30, 33-35, 38, 63-66, 71, and 72 are pending and under consideration.

Each of the rejections levied in the Office Action is addressed individually below.

#### Claim Rejections under 35 U.S.C. § 112.

Claims 73 and 74 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Additionally, claims 73 and 74 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 73 and 74 are hereby cancelled, thus obviating this rejection. Applicant reserves the right to pursue cancelled subject matter in future applications.

#### Claim Rejections under 35 U.S.C. § 102.

Rejections under 35 U.S.C. § 102 are addressed herein in the order that they were presented by the Examiner in the Office Action. The bold numeral preceeding each paragraph refers to the corresponding numbered rejection in the Office Action.

4. Claims 1, 13, 14, 21, 30, 33, 38, 73, and 74 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Ino *et al.*, WO 99/55689. Examiner asserts that “heteroaliphatic” in the

definition of R<sub>L</sub> in proviso (3) of claim 1 includes compounds that are taught by WO 99/55689, and that “substituted alkyl,” as referred to in the definition of R<sub>L</sub> in proviso (3) of claim (1), can be interpreted as not encompassing “heteroaliphatic” or “heteroarylalkyl” substituents. Proviso (3) of claim 1 is amended herein to recite, “a substituted or unsubstituted heteroaliphatic moiety,” and, “a substituted or unsubstituted heteroarylalkyl moiety.” Applicant submits that the rejection of claims 1, 13, 14, 21, 30, 33, 38, 73, and 74 as being anticipated by Ino *et al.*, WO 99/55689, is obviated by this amendment and respectfully requests that the rejection be removed.

5. Claims 1, 13, 14, 21, 30, 33, 38, 73, and 74 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ino *et al.*, WO 98/18780. Similar to the rejection above, the Examiner asserts that “substituted alkyl,” as referred to in the definition of R<sub>L</sub> in proviso (3) of claim (1), can be interpreted as not encompassing “heteroarylalkyl” or “arylalkyl” substituents. Applicant hereby amends proviso (3) of claim 1 to recite, “a substituted or unsubstituted heteroarylalkyl moiety” and, “a substituted or unsubstituted arylalkyl moiety.” Applicant respectfully submits that the rejection of claims 1, 13, 14, 21, 30, 33, 38, 73, and 74 as being anticipated by Ino *et al.*, WO 98/18780, is thereby obviated and respectfully requests that the rejection be removed.

6. Claims 1, 9, 13, 19, 21, 30, 33, 38, 73, and 74 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Shibata *et al.*, JP 09/202781. Proviso (3) of claim 1 is hereby amended to recite compounds in which R<sub>6</sub> is “-OH or -OCH<sub>3</sub>”. Applicant respectfully submits that this rejection is thereby obviated and requests that the rejection be removed.

7. Claims 1, 13, 14, 21, 30, 33, 38, 73, and 74 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Agatsuma *et al.*, U.S. Patent No. 5,977,165. Examiner asserts that “heteroaliphatic” in the definition of R<sub>L</sub> in proviso (3) of claim 1 includes compounds that are taught by U.S. Patent No. 5,977,165, and that “substituted alkyl,” as referred to in the definition of R<sub>L</sub> in proviso (3) of claim (1), can be interpreted as not encompassing “heteroaliphatic” substituents. Applicant submits that the amendments made to proviso (3) of claim 1 in response to rejections 4 and 5, as discussed above, obviate this rejection, and therefore respectfully requests that the rejection be removed.

8. Claims 1, 7, 9, 10, 13, 19-21, 30 and 73 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ayer *et al.*, *Phytochemistry*, 26:1353 (1987). Proviso (2) of claim 1 is

hereby amended to recite compounds in which G and J together are “-CH<sub>2</sub>=CH<sub>2</sub>-” as well as compounds in which R<sub>1</sub> is “hydrogen”; and claim 1 has been amended to include proviso (6). Applicant respectfully submits that the rejection of claims 1, 7, 9, 10, 13, 19-21, 30 and 73 as being anticipated by Ayer *et al.* is thus obviated, and respectfully requests that the rejection be removed.

**9.** Claims 1, 7, 9, 10, 13, 19, 21, 30, and 73 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ayer *et al.*, Canadian Journal of Microbiology, 26:766 (1980). Proviso (2) of claim 1 is hereby amended to recite compounds in which G and J together are “-CH<sub>2</sub>=CH<sub>2</sub>-” as well as compounds in which R<sub>1</sub> is “hydrogen”; proviso (3) has been amended to recite compounds in which R<sub>2</sub> is OR<sub>B</sub> wherein R<sub>B</sub> is “methyl”, compounds in which R<sub>4</sub> is OR<sub>D</sub> wherein R<sub>D</sub> is “methyl”, compounds in which R<sub>6</sub> is “hydrogen”, as well as compounds in which R<sub>5</sub> is OR<sub>J</sub> wherein R<sub>J</sub> is “benzoyl”; and claim 1 has been amended to include proviso (6). Applicant respectfully submits that this rejection is thereby obviated, and requests that the rejection be removed.

**10-14, 17, and 18.** Claims 1, 7, 9, 12, 19-21, 30, and 73 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Robertson *et al.*, U.S. Patent No. 4,088,658, Hidy *et al.*, U.S. Patent No. 4,035,504, Urry *et al.*, U.S. Patent No. 3,901,921, Wehrmeister *et al.*, U.S. Patent No. 3,764,614, Wehrmeister *et al.*, U.S. Patent No. 3,751,431, and Wehrmeister *et al.*, Journal of Organic Chemistry, 33:4173 (1968). Additionally, claims 1, 7, 9, 12, 19, 20, 30, and 73 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hodge *et al.*, U.S. Patent No. 3,373,039. Claim 1 is hereby amended to recite proviso (4). Applicant submits that the rejection of the recited claims is thereby obviated, and respectfully requests that the rejection be removed.

**15 and 16.** Claims 1, 7, 9, 12, 19-21, 30, and 73 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Brooks *et al.*, Proceedings of the Society for Experimental Biology, 137:101 (1971), and Jensen *et al.*, U.S. Patent No. 3,621,036. Applicant hereby amends claim 1 to recite proviso (5). Applicant respectfully submits that the rejection of the above-identified claims is thereby obviated, and respectfully requests that the rejection be removed.

Claim Objections

Claims 2, 3, 8, 11, 15-18, 34, 35, 63-66, 71, and 72 are objected to as being dependent upon a rejected base claim, but would be allowable "if rewritten in independent form".


Applicant respectfully submits that claim 1 as amended is allowable and that claims 2, 8, 11, 16, and 17 have been rewritten as independent claims. Claim 3 has been amended to depend from independent claim 2; and claim 15 has been amended to depend from independent claim 8.

Applicant submits that all claims objected to for depending from a rejected base claim have been rewritten as independent claims or now depend from an allowable base claim.

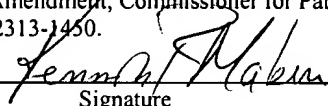
Applicant submits that no new matter has been added by these amendments. Applicant respectfully requests that the Examiner reconsider and acknowledge patentability of pending claims 1-3, 7-21, 30, 33-35, 38, 63-66, 71, and 72.

Please charge any fees that may be required for the processing of this Response, or credit any overpayments, to our Deposit Account No. 03-1721. Applicant invites the Examiner to call the undersigned at (617) 248-5215 with any questions pertaining to the above-identified application in order to expedite prosecution of this case.

Respectfully submitted,

  
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